

EMT 2010

California Emergency Medical Services Authority

Disciplinary Regulations

Discussion Points:

- Relevant Employer
- Investigations
- Notifications
- Disciplinary Plan
- Model Disciplinary Orders
- Certification Actions
- Preclusions from Certification
- Disciplinary Process

Disciplinary Regulations

- Relevant Employer:
 - Public Safety Agency or Ambulance Company Permitted by CHP
 - May or May Not Be Certifying Entity
 - May Conduct Investigations
 - Reduce Duplication of Investigations
 - Reduce Time Between Investigations and Actions

Disciplinary Regulations

Who Conducts the Investigation?

- Relevant Employer
 - First Right of Refusal
 - Refer to Appropriate LEMSA
- LEMSA
 - Who Certified Individual, or
 - Where Provider is Headquartered
 - Reviews Disciplinary Action Plan

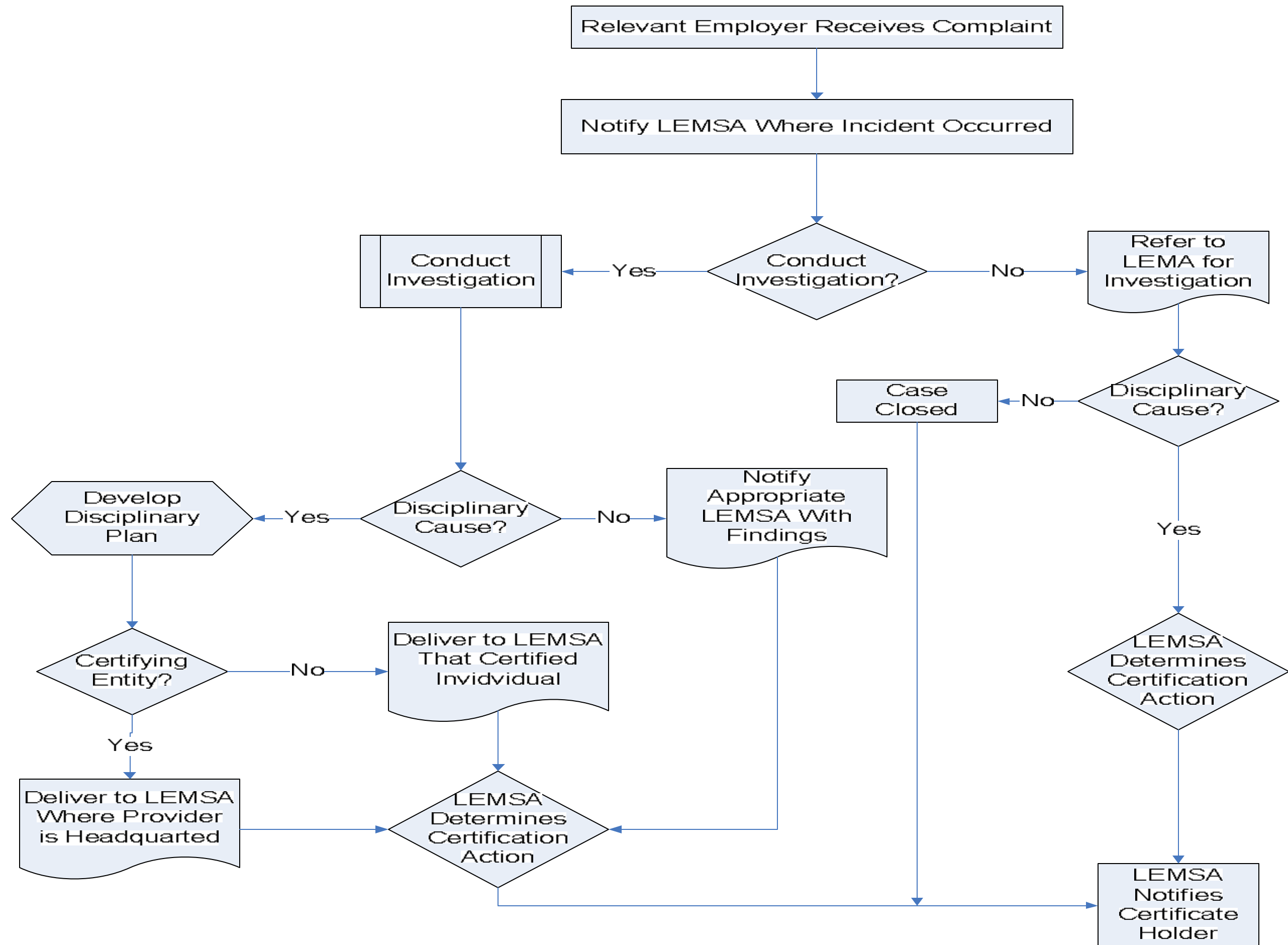
Disciplinary Regulations

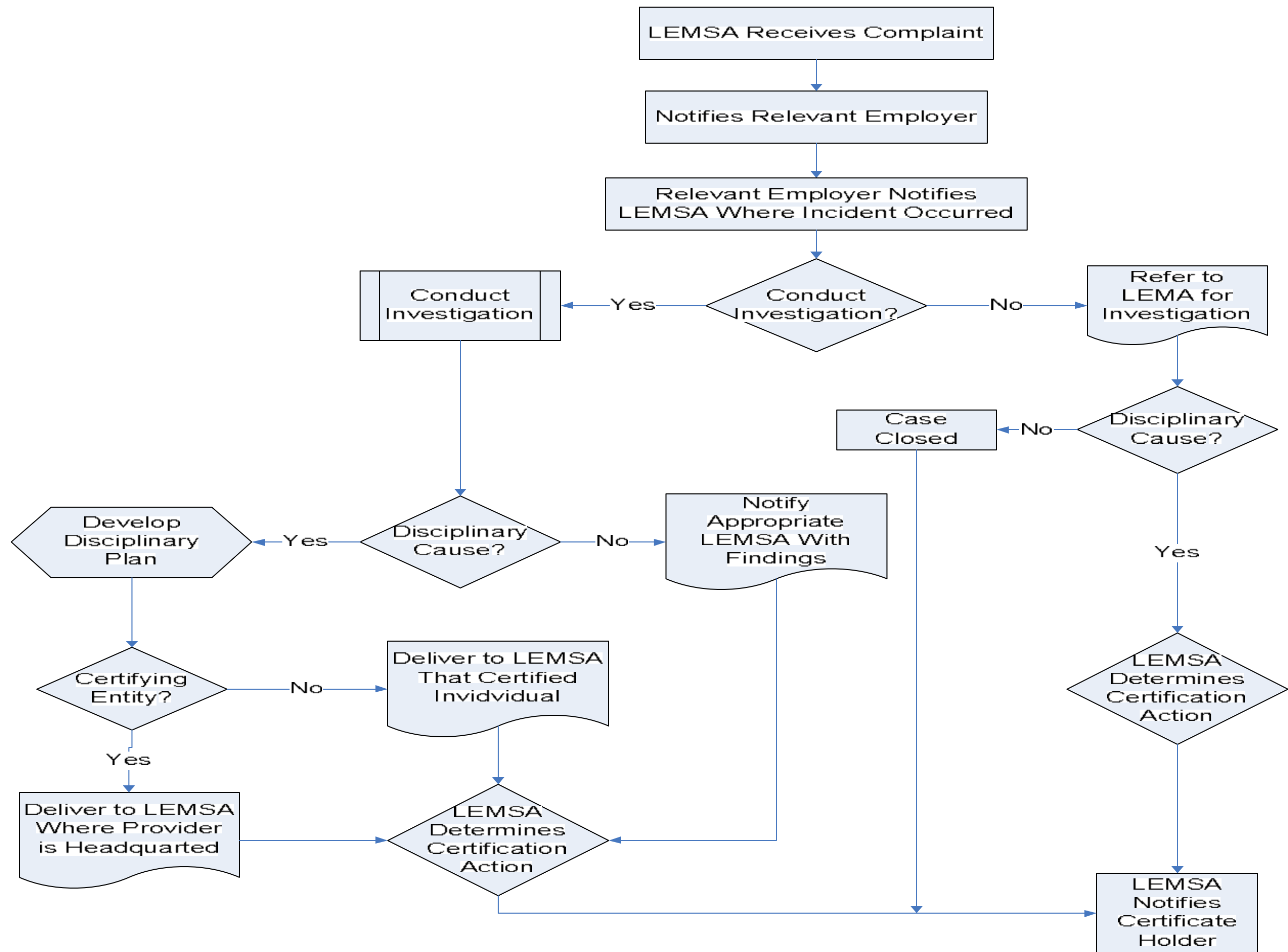
Notifications

- When Incident Occurs
 - By Relevant Employer
 - To LEMSA Where Incident Occurred 3 Working Days After Allegation Validated
 - By LEMSA
 - To Relevant Employer 3 Working Days After Allegation Validated
 - Relevant Employer Notifies LEMSA Where Incident Occurred Within 3 Working Days

Disciplinary Regulations

- Disciplinary Plan by Relevant Employer
 - Due 3 Working Days After Completion to:
 - LEMSA Who Certified, or
 - LEMSA Where Provider is Headquartered
- What Happens if Person Quits, Retires, is Suspended, or Removed From Duties?
 - Shall notify the medical director *that has jurisdiction in the county in which the alleged action occurred* within three (3) working days





Disciplinary Regulations

A certifying entity, that is not a LEMSA, shall advise a certification or recertification applicant whose conduct indicates a potential for disciplinary cause, based on an investigation by the certifying entity prompted by a DOJ and/or FBI CORI, pursuant to the Disciplinary Regulations, to apply to a LEMSA for certification or recertification.

Disciplinary Regulations

Discipline Plan

- Disciplinary Cause Exists
- Developed By Relevant Employer
- Consistent With MDOs
- Given to LEMSA
- Used By LEMSA To Decide on Certification Action or Not

Disciplinary Regulations

Model Disciplinary Orders

- Provides Suggested Certification Action For 1798.200 (c) Items
- Provides Sample Language for Revocations and Suspensions
- Provides Suggested Conditions of Probation
- Used By Relevant Employers
- Used By LEMSAs
- Used By ALJ
- Similar to Paramedic MDOs

Disciplinary Regulations

Section 1798.200 (c), Health and Safety Code:

- (1) Fraud in the procurement of any certificate or license under this division.
- (2) Gross negligence.
- (3) Repeated negligent acts.
- (4) Incompetence.
- (5) The commission of any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, and duties of prehospital personnel.
- (6) Conviction of any crime which is substantially related to the qualifications, functions, and duties of prehospital personnel. The record of conviction or a certified copy of the record shall be conclusive evidence of the conviction.
- (7) Violating or attempting to violate directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this division or the regulations adopted by the authority pertaining to prehospital personnel.

Disciplinary Regulations

Section 1798.200 (c) Health and Safety Code (continued)

- (8) Violating or attempting to violate any federal or state statute or regulation that regulates narcotics, dangerous drugs, or controlled substances.
- (9) Addiction to, the excessive use of, or the misuse of, alcoholic beverages, narcotics, dangerous drugs, or controlled substances.
- (10) Functioning outside the supervision of medical control in the field care system operating at the local level, except as authorized by any other license or certification.
- (11) Demonstration of irrational behavior or occurrence of a physical disability to the extent that a reasonable and prudent person would have reasonable cause to believe that the ability to perform the duties normally expected may be impaired.

Disciplinary Regulations

Section 1798.200 (c) Health and Safety Code (continued)

(12) Unprofessional conduct exhibited by any of the following:

- (A) The mistreatment or physical abuse of any patient resulting from force in excess of what a reasonable and prudent person trained and acting in a similar capacity while engaged in the performance of his or her duties would use if confronted with a similar circumstance. Nothing in this section shall be deemed to prohibit an EMT-I, EMT-II, or EMT-P from assisting a peace officer, or a peace officer who is acting in the dual capacity of peace officer and EMT-I, EMT-II, or EMT-P, from using that force that is reasonably necessary to effect a lawful arrest or detention.
- (B) The failure to maintain confidentiality of patient medical information, except as disclosure is otherwise permitted or required by law in Sections 56 to 56.6, inclusive, of the Civil Code.
- (C) The commission of any sexually related offense specified under Section 290 of the Penal Code.

Disciplinary Regulations

Model Disciplinary Orders

Example:

Fraud in the procurement of any certificate or license under this division

- Maximum Certification Action: Revocation or denial.
- Recommended Certification Action: Revocation or denial.
- Minimum Certification Action: Revocation stayed, thirty (30) day suspension/denial.

Disciplinary Regulations

- Includes Drug and Alcohol Matrix
 - Recommended Action for Various Drug and/or Alcohol Related Issues

Disciplinary Regulations

ASSESSMENT USING MEDICAL MODEL FOR DETERMINING IMPAIRMENT IN EMT OR ADVANCED EMT
CERTIFICATE HOLDERS OR APPLICANTS WITH DRUG / ALCOHOL RELATED INVESTIGATIONS, ARRESTS,
AND/OR CONVICTIONS PURSUANT TO H&S 1798.200 (c) (9)

Offenses:	Applicant	Certificate holder
One Misdemeanor Alcohol or Drug-Related Conviction Within 5 Years of Applying for EMT-I or AEMT Certification, or Conviction for Misdemeanor Alcohol or Drug-Related offense	<div>1. Obtain a medical and psychiatric evaluation by a physician certified in addiction medicine by the American Society of Addiction Medicine (ASAM) or the American Board of Psychiatry and Neurology (ABPN) at applicant's expense.<div>a. If no signs of impairment, offer certification with 2 years probation with standard terms and conditions. No random testing required.</div>b. If the individual is impaired, deny certification.</div>	<div>1. Obtain a medical and psychiatric evaluation by a physician certified in addiction medicine by the American Society of Addiction Medicine (ASAM) or the American Board of Psychiatry and Neurology (ABPN) at applicant's expense.<div>a. If no signs of impairment certification will be revoked, stayed, 3 years probation with standard terms and conditions. Random testing may be waived.</div>b. If impaired, certification will be revoked.<div>i. Reinstatement will require that certificate holder go through re-application process and demonstrate 2 years of sobriety</div>ii. Applicant will be required to obtain a medical and psychiatric evaluation by a physician certified by the American Society of Addiction Medicine (ASAM) at applicant's expense within 30 days of re-applying for licensure.</div> iii. Random testing required. Workplace monitoring may be required.

Disciplinary Regulations

Certification Actions:

- Denial
- Revocation
- Suspension
- Probation
- Imposed By LEMSA Medical Director

Disciplinary Regulations

Denial – Revocation Standards

- Has committed any sexually related offense specified under Section 290 of the Penal Code
- Has been convicted of murder, attempted murder, or murder for hire
- Has been convicted of two (2) or more felonies
- Is on parole or probation for any felony
- Has been convicted and released from incarceration for said offense during the preceding fifteen (15) years for the crime of manslaughter or involuntary manslaughter

Disciplinary Regulations

Denial – Revocation Stds (Continue)

- Has been convicted and released from incarceration for said offense during the preceding ten (10) years for any offense punishable as a felony.
- Has been convicted of two (2) or more misdemeanors within the preceding five (5) years for any offense relating to the use, sale, possession, or transportation of narcotics or addictive or dangerous drugs.
- Has been convicted of two (2) or more misdemeanors within the preceding five (5) years for any offense relating to force, threat, violence, or intimidation.
- Has been convicted within the preceding five (5) years of any theft related misdemeanor.

Disciplinary Regulations

Denial Revocation Standards Do Not Apply to those EMT's, or EMT-IIs who obtain their California certificate prior to the effective date of this Chapter, unless:

- The certificate holder is convicted of any misdemeanor or felony after the effective date of this Section.
- The certificate holder committed any sexually related offense specified under Section 290 of the Penal Code.
- The certificate holder failed to disclose to the certifying entity any prior convictions when completing his/her application for initial EMT or Advanced EMT certification or certification renewal.

Disciplinary Regulations

Disciplinary Process

- Investigation Reveals Cause Exists for Certification Action
- LEMSA Notifies Certificate Holder
- Respondent Files Notice of Defense With LEMSA
- Appeal Hearing Before Administrative Law Judge
- ALJ Renders an Opinion
- LEMSA Medical Director Makes Decision
- Certificate Holder Notified
- Central Registry Updated

Disciplinary Regulations

Questions?

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EMT 2010 Project Information

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